

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ALTAGRACIA PEGUERO,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,  
THE SKLOVER GROUP, INC. and  
FEDERAL INSURANCE COMPANY,

Defendants.

AMERICAN EXPRESS COMPANY,

Third-Party Plaintiff,

v.

HEALTHEXTRAS, INC.,

Third-Party Defendant.

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Civil Action No. 05-10995-RCL

UNOPPOSED MOTION OF THIRD-PARTY DEFENDANT  
HEALTHEXTRAS, INC. FOR LEAVE TO FILE DOCUMENT UNDER SEAL

Pursuant to Local Rule 7.2, third-party defendant HealthExtras, Inc. (“HealthExtras”) respectfully moves for leave to file under seal a copy of a certain Marketing Agreement between third-party plaintiff American Express Company (“Amex”) and HealthExtras. This document, which forms the basis for Amex’s third-party complaint and HealthExtras’ pending motion to dismiss that complaint, has been designated “Confidential” pursuant the Stipulated Protective Order signed by the parties and entered by the court on April 28, 2006. HealthExtras submits that, consistent with the Stipulated Protective Order, the court should order this document impounded until further order of the court or the termination of this case, whichever occurs first.

Immediately upon the expiration of the impoundment order, HealthExtras' counsel will retrieve and take custody of this document. This motion is not opposed by any party.

HEALTHEXTRAS, INC.

By its attorney,

/s/ Donald R. Pinto, Jr.  
Donald R. Pinto, Jr., BBO No. 548421  
RACKEMANN, SAWYER & BREWSTER  
One Financial Center  
Boston, Massachusetts 02111  
(617) 542-2300

CERTIFICATE UNDER LOCAL RULE 7.1(A)(2)

I hereby certify that I have conferred with counsel for each other party in good faith in an attempt to resolve or narrow the issues presented by this motion. Each other party has indicated that it does not oppose this motion.

/s/ Donald R. Pinto, Jr.  
Donald R. Pinto, Jr.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Donald R. Pinto, Jr.

Donald R. Pinto, Jr.

Dated: June 2, 2006